

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|---------------------|---|--------------------------------|
| LARRY FITZPATRICK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:07cv528-WHA |
| |) | (WO) |
| |) | |
| CITY OF MONTGOMERY, |) | |
| |) | |
| Defendant. |) | |

ORDER

The court having reviewed the proposed jury charges submitted in this case, it appears that there is some confusion as to the claims which are proceeding to trial.

The Plaintiff's contention in the Pre-Trial Order entered in this case state that the Plaintiff was terminated "on the basis of race and retaliation in violation of Title VII, 42 U.S.C. § 2000e."

The Pre-Trial Order takes the place of the pleadings in this case. Accordingly, the case will proceed to trial only on Title VII race and retaliation claims. If either party disagrees with this interpretation of the Pre-Trial Order, that party shall file a notice of its disagreement, and the basis of that disagreement, by **noon on Friday, August 8, 2008**.

DONE this 7th day of August, 2008.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE